

35/20/02
IP

PATENT

Attorney Docket No. 3077.1A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GOLDBERG, et al.

Examiner: TBA

Serial No: 10/044,428

Group Art Unit: TBA

Filing Date: October 26, 2001

Title: METHOD OF MANUFACTURING

BIOLOGICAL CHIPS (as amended)

BOX MISSING PARTS

Washington, D.C. 20231

**TRANSMITTAL FOR RESPONSE TO NOTICE TO FILE
MISSING PARTS OF NON-PROVISIONAL APPLICATION**

Dear Sir:

In response to the "Notice to File Missing Parts of Application – Filing Date Granted" mailed by the United States Patent and Trademark Office on March 25, 2002, the following documents are enclosed to complete the filing of the above-identified patent application:

1. Fee Transmittal (1 page);
2. Power of Attorney or Authorization of Agent Not Accompanying Application (1 page);
3. Statement Under 37 CFR 3.73(b), (1 page);
4. Copy of Joint Declaration for Patent Application (originally filed with parent), (2 pages);
5. Submission of Substitute Formal Drawings (1 page);
6. Five (5) sheets of Substitute Formal Drawings, Figs. 1, 2a, 2b, 3, and 4;
7. Response to Notice to Comply with 37 CFR 1.821-1.825 (1 page);
8. Copy of Notice to File Missing Parts of NonProvisional Application, (2 pages).

The United States Patent and Trademark Office is hereby authorized to charge the following fees to Deposit Account No. 19-2386;

Surcharge for filing declaration on a date later than the filing date of application \$130.00.

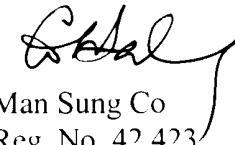
TOTAL FEE	\$130.00
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The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 01-0431.

It is hereby respectfully submitted that the enclosed documents complete the filing of the above patent application and justify the filing date of October 26, 2001. Please telephone the undersigned at (408) 731-5000, if there are any questions. This form is being submitted in duplicate.

I hereby certify that this correspondence is being deposited by Express Mail to: Commissioner For Patents, Washington, D.C. 20231 On <u>5/16/02</u> Express Mail No.: <u>EL 675 608 141 US</u>
AFFYMETRIX, INC. By: <u>John Leger</u>

Respectfully submitted,



Man Sung Co
Reg. No. 42,423

Legal Department
Affymetrix, Inc.
3380 Central Expressway
Santa Clara, CA 95051
Tel: 408/731-5000
Fax: 408/731-5392



C I P T
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U.S. PATENT & TRADEMARK OFFICE

MSI Page 1 of 2

3077.1A

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/044,428	10/26/2001	Goldberg	3077.1A

22886
AFFYMETRIX, INC
ATTN: CHIEF IP COUNSEL, LEGAL DEPT.
3380 CENTRAL EXPRESSWAY
SANTA CLARA, CA 95051

CONFIRMATION NO. 1948

FORMALITIES LETTER



OC000000007709052*

DOCKETED

APR 10 2002

Date Mailed: 03/25/2002

due 5/25/02

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also

provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

A copy of this notice MUST be returned with the reply.

M. Marcell

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT

Attorney Docket No. 3077.1A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Goldberg

Examiner: Unknown

Serial No: 10/044,428

Group Art Unit: 1656

Filing Date: October 26, 2001

Title: Method of Manufacturing

RESPONSE TO NOTICE TO COMPLY WITH 37 C.F.R. 1.821-1.825

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice to Comply with Requirements for Patent Applications containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed March 25, 2002. Applicant hereby state that the current application does not contain unbranched sequences of ten or more nucleotides. Therefore, no "Sequence Listing" is required for this application.

Respectfully submitted,

Date: 5/13/02

MS/CS
Man Sung Co.
Reg. No. 42,423

Legal Department
Affymetrix, Inc.
3380 Central Expressway
Santa Clara, CA 95051
Tel: 408/731-5000
Fax: 408/731-5392



Attorney Docket No. 3077.1A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GOLDBERG, et al.

Application No.: 10/044,428

Filed: October 26, 2001

Examiner: TBA

Art Unit: TBA

For: METHOD OF MANUFACTURING
BIOLOGICAL CHIPS (as amended)

Box Missing Parts
Commissioner of Patents
Washington, D.C. 20231

SUBMISSION OF SUBSTITUTE FORMAL DRAWINGS

Dear Sir:

Applicant submits five (5) sheets of formal drawings, consisting of Figures 1, 2a, 2b, 3, and 4, in the above-named application. If there are any questions regarding these drawings, please call the undersigned at (408) 731-5000.

The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account No. 01-0431.

Please telephone the undersigned at (408) 731-5000, if there are any questions.
This form is being submitted in duplicate.

I hereby certify that this correspondence is being deposited by Express Mail to Commissioner For Patents, Washington, D.C. 20231
On <u>May 16, 2002</u>
Express Mail No <u>EL 675 508 141 US</u>
AFFYMETRIX, INC.
By <u>[Signature]</u>

Respectfully submitted,

Man Sung Co
Reg. No. 42,423

Legal Department
Affymetrix, Inc.
3380 Central Expressway
Santa Clara, CA 95051
Tel: 408 731-5000
Fax: 408 731-5392

Under the Paperwork Reduction Act of 1995, persons are required to respond to a collection of information which displays a valid OMB control number.



FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT	(\$)	130
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Complete if Known

Application Number	10/044 428
Filing Date	10/26/01
First Named Inventor	Martin J. Goldberg
Examiner Name	TBA
Group / Art Unit	TBA

Attorney Docket No 3077 1A

METHOD OF PAYMENT (check all that apply)					FEE CALCULATION (continued)																																																																																																																																																																																														
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ADDITIONAL FEES <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Fee Code</th> <th style="width: 15%;">Large Entity Fee (\$)</th> <th style="width: 15%;">Small Entity Fee Code</th> <th style="width: 15%;">Fee (\$)</th> <th style="width: 40%;">Fee Description</th> <th style="width: 10%;">Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td>130.00</td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>315</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>318</td><td>720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>320</td><td>119</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>280</td><td>121</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - 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** or number previously paid, if greater. For Reissues, see above

SUBMITTED BY						<i>Complete (if applicable)</i>
Name (Print/Type)	Man Sung Co	Registration No.	Attorney/Agent)	42 423	Telephone	(408) 731-5000
Signature	<i>C. J. Sung</i>			Date	5/13/02	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Washington, DC 20231.